

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ERIC GARCIA,

4 Plaintiff

5 v.

6 STATE OF NEVADA,

7 Defendant

Case No.: 2:23-cv-01316-APG-EJY

**Order Accepting Report and
Recommendation and Closing Case**

[ECF No. 2]

8 On October 2, 2023, Magistrate Judge Youchah recommended that I dismiss this case
9 without prejudice to plaintiff Eric Garcia initiating habeas proceedings or to properly commence
10 a civil rights action by filing a complaint and paying the filing fee or applying to proceed in
11 forma pauperis. ECF No. 2. Garcia did not object. Thus, I am not obligated to conduct a de
12 novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts
13 to “make a de novo determination of those portions of the report or specified proposed findings
14 to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
15 (en banc) (“the district judge must review the magistrate judge’s findings and recommendations
16 de novo *if objection is made*, but not otherwise” (emphasis in original)).

17 I THEREFORE ORDER that Magistrate Judge Youchah’s report and recommendation
18 (ECF No. 2) is accepted, this case is dismissed without prejudice, and the clerk of court is
19 instructed to close this case.

20 DATED this 23rd day of October, 2023.

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22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE